

Montgomery County Agricultural Advisory Committee
Meeting Minutes
March 16, 2021

Attendees: Debra Tropp, Lori Larson, Doug Lechluder, Peter Driscoll, Jane Evans, Russ Allnutt, Eleanor Leak, Patrick Jamison, Angie McNally, Ben Butler, Aliza Silver, John Brewer (APHIS), Amanda Cather (New farmer, Poolesville)

Guests: Dr. Adam Darkins (Garrett Park, MD), Ellen Gordon (Board of SCA), James Colihan

Staff: Jeremy Criss

1. **Call the Meeting to Order-Introductions:** 7:03 pm
2. **Approval of the February 16, 2021 AAC meeting minutes.**

Accepted as amended. (Evans/Leak)

3. **The County Council acted on the Solar ZTA 20-01 on February 23, 2021. They voted 7 to 2 requiring conditional use of approval and 5 to 4 votes for the protection of both Class I and II prime soils from locating solar fields. The DEP found that a total of 445 properties consisting of soil Class III-VIII, that are greater than 5 acres in size, total 4,462 acres in the Agricultural Reserve for potential solar fields. The Montgomery County Revenue Authority is developing a pilot agrivoltaic project on the properties where the Poolesville Golf Course is located.**

<https://www.montgomerycountymd.gov/OMB/Resources/Files/omb/pdfs/fy21/ciprec/P391801.pdf>

Evan Glass changed his position from the straw vote to require conditional use of approval with a 7 to 2 vote. The 5-4 vote, to protect class I and II soils, did not change.

DEP did an analysis to see how many properties are out there if we lower the size to 5 acres. The analysis resulted in total of 445 properties that still need to be evaluated for proximity to substation, transmission lines or other requirements. The 4,462 acres is more than twice the 1,800 acres amount recommended in the AR zone. The solar industry opposes lowering the size to 5 acres. OAG explained that the density of the solar panels in Howard County is much higher, where they do not allow solar fields larger than 10 acres.

The executive branch is moving forward on an agrivoltaic pilot project on the Poolesville golf course, owned by the Montgomery County Revenue Authority. They are going to be experimenting with agronomic crops planted underneath the panels. MCRA is working with DEP and a consultant with good track record in agriculture under solar panels. Their name is National Renewable Energy Laboratory (NREL). DEP is the lead agency on the partnership. There will be a variety of crops including the grapes that are being planted

on the site. MCRA is also working with a professor at the University of MD-Extension <https://agnr.umd.edu/about/directory/mitchell-pavao-zuckerman> who specializes in alternative sources of energy.

4. **Council Member Andrew Friedson proposed Bill 5-21 Agricultural Land Preservation-Solar Collection Systems-Dedication of Business Personal Property Tax Revenue. The Public Hearing was conducted on March 9, 2021 and the following folks testified in support of the Bill. Michael Jamison, Chair of APAB and Randy Stabler. Please see the attached letter from the AAC.**
https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210119/20210119_11B.pdf

Jeremy and Doug finalized the letter to the County Council with the AAC's recommendations on this bill. The bill would require any solar businesses that register their business entity with the MD Department of Assessments and Taxation would have to pay annual business and personal property taxes. There is a county share and state share of this tax revenue. The County currently receives and deposits the county share into general fund for all business and personal property taxes that businesses pay. The bill would earmark the revenue from solar business for agriculture preservation. Michael Jamison and Randy Stabler testified in support of this bill. The AAC letter was entered as part of the testimony. The Bill 5-21 will probably be referred to the Government Operations committee, which deals with taxation policies. Discussions on the Bill 5-21 are on hold while the Council considers the County Executive's budget which was just remitted to them. The remaining weeks of March and April will be busy for the Council due to the FY22 Budget.

5. **The County Council Approved the Composting ZTA 20-04 on February 9, 2021. The agricultural agencies are working to schedule an On-Farm Composting training workshop this spring. We will inform everyone of how this ZTA will increase the amount of off-site materials (wood chips, horse manure-bedding materials, food scraps) used in the compost process from 20% to 50%.**

The ZTA was adopted on Feb 9, 2021. This ZTA will provide an opportunity for off-site materials to increase from 20% up to 50% of the total composting materials. The Agricultural agencies were working to schedule an on-farm composting training workshop. OAG will be sending that announcement out when the details are all worked out. They will try to select a place on a farm to do this. This training will be in partnership with DEP, the Food Council, OAG, the soil conservation district. Kelly Nichols is the new UMD Extension Ag Agent, hired to replace Chuck, but she is on maternity leave so Chuck will fill in for her in the meantime.

6. **The County Council introduced the Subdivision Regulations Amendment SRA 21-01 to exempt farm facilities from the subdivision process Chapter 50 for commercial buildings used for Agritourism, On-Site Farm Markets and Farm Alcohol Production. The public hearing was on March 2, 2021. The following folks testified in support of the SRA. Drew Baker, Ed Boyce, Kevin Keyes, and Chris Miller. Please**

see the attached letter from the AAC. There will be opposition on this SRA by the Planning Board and other civic groups.

OAG has been working to minimize the requirements for a new commercial building that is currently required to go through the subdivision process. Jeremy has been advocating that the businesses that are up county are fundamentally different from the businesses down county.

For example, down county businesses can hook up to public water and sewer to meet requirements for toilets and sinks. But water requirements for fire sprinklers are significant. When you move up county, there is a lot more infrastructure (well and septic systems) that the businesses up county must pay for that down county businesses do not have to.

Most of the businesses that we are talking about up county are not open to the same extent as businesses down county; they cannot spread out their investment over a longer period, for example, the number of days per week and hours per day. For on-site farm markets, they close in November and they usually do not open until April. Those buildings are sitting there not being used. But they would still have to go through the huge subdivision cost.

Drew Baker from Old Westminster Winery, Ed Boyce, owner of Black Ankle Vineyard in Frederick (but will open Live Edge Vineyard on Peach Tree Rd.), Kevin Keyes who owns 500 acres in Dawsonville wants to put in a distillery, and Chris Miller for Lone Oak Farm Brewery all testified at the public hearing on the SRA 21-01.

Caroline Taylor of MCA and Lauren Greenberger of SCA have concerns. The Planning Board and their staff also have concerns, but Jeremy has yet to see any opposition in written form. Those concerns are valid. We need to have a way for the public to participate in reviewing what the business owner is proposing. The subdivision process provides a public hearing for residents to participate in. Jeremy proposes that under the DPS pre-design consultation process they could have administrative hearings.

7. Please see the Grant funding opportunities that are now available through MARBIDCO that were attached to the cover memorandum with my report.

MARBIDCO is an agriculture financing quasi-public-private organization. Steve McHenry is the Executive Director. They provide financial assistance also for aquaculture, oyster farms, fisheries, not just agronomic agriculture. Several people are looking for grants for small scale animal slaughtering and cold storage. Jeremy sent out the MARBIDCO grants in the AAC Meeting announcement email. The deadline for most of the grants are April 1. Steve said that if there's still money available where they do not have enough demand, they will extend the deadline to May 1. There is a cold storage grant that's very popular and has a number of applicants and the MoCo Food Council is exploring a partnership where they will provide some of the required matching funds to reduce the out-of-pocket expense for the farmer-applicants.

8. Update on State Legislation for the 2021 Session.

HB 490 Pilot-Commercial sales venison-Deer Management Permits-Withdrawn

This bill was withdrawn. There is a prohibition in the natural resources Article that prohibits commercial sale of deer.

HB 7 Income Tax Credit-Venison Donation Expenses-MC Deer Donation Program.

This bill is proceeding. It would create an expansion of tax credit for venison. Currently, counties that do not have deer donation program, the existing tax credit helps the hunter to reduce their costs associated with processing the deer meat that is provided to charities like Farmers and Hunters Feeding the Hungry and the hunter could claim \$50 per deer up to \$200. This HB 7 will help hunters in Montgomery County that take their time to drive deer to our drop off sites, so there would still be expenses the hunters can claim on the tax credit.

HB 1488 General Assembly overrode Governor's veto 2020-MD Farmer Procurement

The bill, as officially adopted, provides for any farmer who wants to be at the front of the line for participating in procurement sale of food to wholesale buyers, they must register with MDA and verify that they have a nutrient management plan that is current and approved. This bill would create a requirement that 20% of the total dollar amount of food that wholesale buyers purchase would be locally sourced foods. Examples of wholesale buyers are Schools, Correction Facilities, or larger corporate cafeterias that must purchase locally sourced food from the farmers on the MDA list. This bill should help expand wholesale production of food in the state.

Doug commented that 20% is a lot! Jeremy explained that's why Governor Hogan vetoed the bill. Note that we have a huge wholesale food hub in Jessup near BWI that operates from 11 pm to 4 am where they stock all types of food throughout the warehouse. Farmers cannot compete with this economic model that is very efficient. There are questions of where the food sold at Jessup is coming from. A lot of that food sold at Jessup is labeled as local, but it could be coming from thousands of miles away.

HB 831 MD Food Resiliency Council-Food Insecurity due to Pandemic

New resiliency council being created to address food insecurity due to the pandemic. Many counties are looking at our farm to food bank program. Twenty-two farmers have applied to grow more food in 2021 and the food will be sold at competitive prices slightly above the average wholesale price and provided to Manna Food Center for people in need.

HB 472 Glyphosate Prohibition-HB 474 was assigned to Summer Study

This bill was assigned to summer study.

HB 991 Forest Banking-Forest Banking Credits for existing standing forests

The bill would reverse the Attorney General decision and allow an existing standing forest to qualify for forest banking credits so developers can meet forest conservation requirements off site through the forest bank.

HB 1069 Private Well Safety Program-New Transfer Tax

Last month DEP presented to us the proposal to require the pumping out of septic tanks every 5 years. This HB 1969 is sponsored by Vaughan Stewart, a delegate from the Derwood area. He believes there should be a new transfer tax triggered upon sale of property that will fund the testing of wells to insure they safe and potable for the future owner.

We already have requirements by the MD Department of Health that all properties with wells must have potable water test before the property can be transferred.

HB 581 COVID-19 Differential Pay

The bill would require employers to pay back pay to any food and agricultural worker that was considered essential. This bill has been amended significantly. There has been a lot of testimony against it due to the sheer cost. Many businesses already negatively impacted due to the pandemic.

HB 577 H2A and H2B Seasonal Workers due to the Pandemic-Unfavorable vote in committee

Only H2A visas require farmers to provide housing. This bill had an unfavorable vote in committee.

9. Additional items

- a. Due to the farmers signed up to sell food to Manna through the F2FB program listed above, the OAG is promoting an MDA Good Agricultural Practices-GAP Certification training in March.
 - i. Certified foods. If you are selling foods for people to consume you need training and certification at the bare minimum. OAG partnered with MDA and UMD Extension to offer 2-day training to only MoCo food producers. 20 people signed up right now, a few slots still open.
- b. Ben asked about H2A visa vaccinations. The workers are wearing masks while working but living in close quarters.

- i. Jeremy has been hearing from some farmers about this. Both Ben Allnutt and Linda Lewis have asked their workers to do their best to obtain the vaccine before leaving Mexico. Both Ben and Linda work with the Poolesville family medical practice. They are planning to work with the physician there who should have adequate supplies of the vaccine in the coming weeks. There are many avenues to get the vaccine besides through Montgomery County government. Several folks have gotten the vaccine through Six flags in PG county, M&T Bank, and the state fairgrounds. The workers should have proof of employment and their work visa with them, and essential worker letter with “proof” of income.
- ii. Visit [Massvax.maryland.gov](https://massvax.maryland.gov) to sign up for any of the mass sites in the state including the new site in Waldorf run by FEMA. Jane Evans called a number and spoke to someone who helped them sign up, especially for multiple people at a time. (855) 634-6829
- iii. Walgreen’s pharmacy is apparently also doing a good job of scheduling appointments, and Walmart.

10. Adjournment

- a. (Butler/Driscoll) 7:59 pm